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INDONESIA/EAST TIMOR: HUMAN RIGHTS ACTIVISTS CONVICTED OF SUBVERSION

Amnesty International is appealing for the release of five prisoners of conscience who protested against the 12 November Santa Cruz massacre, during which Indonesian troops killed an estimated 100 unarmed participants in a memorial procession. Indonesian state prosecutors claimed that subversion charges against two of the defendants were warranted because of their involvement with Renetil, an organization which peacefully opposes East Timor's integration with Indonesia.

Fernando de Araujo, an East Timorese student aged 26, was sentenced to nine years' imprisonment on 25 May. The following day another student, 36-year-old João Freitas da Camara, was sentenced to a ten-year prison term. Both were charged under Indonesia's vaguely-worded and sweeping Anti-Subversion Law and were brought to trial at the District Court of Central Jakarta. When delivering the verdict against Fernando de Araujo, Judge Wahono Baoed reportedly said that the defendant was guilty of undermining the Indonesian Government and "disgracing the nation in the eyes of the international community".

The two men were among five people brought to trial for organizing or participating in a peaceful protest demonstration in Jakarta on 19 November 1991. During the demonstration protesters went to the United Nations offices and read a statement calling for a referendum on East Timor's political future and for inquiries into the Santa Cruz massacre. At least 70 people were arrested at the demonstration but most were released after short periods in detention.

Domingos Barreto and Virgilio da Silva Guterres, two other East Timorese students arrested during the 19 November protest, were charged under Articles 154 and 155 of Indonesia's Criminal Code. The articles define the public expression of "hostility, hatred or contempt toward the Government" as a criminal offence. Domingos Barreto was sentenced to six months' imprisonment on 12 May. The judge reportedly said that the sentence was light because the defendant protested only against the Santa Cruz massacre and not against East Timor's integration with Indonesia. Virgilio da Silva Guterres was sentenced on 19 May to two and a half years' imprisonment. The trial of Agapito Cardoso, also charged with publicly insulting the government during the Jakarta protest, is believed to be in progress. Amnesty International believes that all three are prisoners of conscience.

The Indonesian authorities have justified the suppression of non-violent opposition to Indonesian rule in East Timor on the grounds that integration with Indonesia was achieved by law. Such claims have been regularly disputed within the General Assembly of the United Nations, which has not accepted Indonesian jurisdiction over the territory. Moreover, the expression of non-violent opposition to state policy is a wholly legitimate

activity; the right to engage in such activity is enshrined in the Universal Declaration of Human Rights and protected by international human rights law.

Since the military invasion of East Timor in 1975, evidence has emerged of gross and systematic human rights violations by the Indonesian security forces. Violations have included the killing, "disappearance", torture and arbitrary detention of real and suspected political opponents and - most recently - the Santa Cruz massacre. It is a matter of grave concern that efforts to protest against such violations have been construed as evidence of subversive activity.